



Case Docket No. 58268.09031

Date October 25, 2004

RECEIVED

OCT 28 2004

Technology Center 2600

Group Art Unit: 2662

Examiner: Joseph B. Logsdon

In re the application of:

HERBST

Serial No.: 09/599,526

Filed: June 23, 2000

For: APPARATUS AND METHOD FOR STORING DATA

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

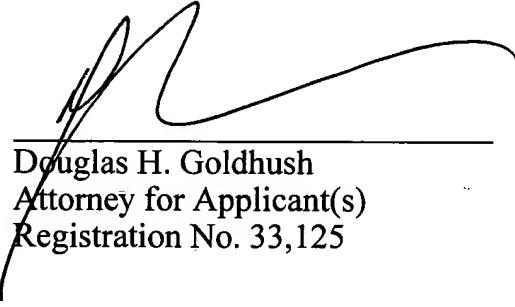
- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a statement previously submitted.
- Applicant qualifies for small entity status.
- No additional fee is required.

The fee has been calculated as shown below:

				SMALL ENTITY		OTHER THAN A SMALL ENTITY	
(Col. 1)	(Col. 2)	(Col. 3)		RATE	ADDIT. FEE	RATE	ADDIT. FEE
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA			
TOTAL	22	MINUS	22		x9=	x18=	
INDEP.	14	MINUS	5		x44=	x88=	9
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+150=		+300=	
				TOTAL		or	792

- Enclosed is a check in the amount of Seven Hundred Ninety Two (\$792.00). Except as otherwise noted herein, the Commissioner is hereby authorized to charge payment of any other fees that may be required to complete this filing, or to credit any overpayment, to Counsel's Deposit Account No. 50-2222.
- The Commissioner is hereby authorized to charge payment for the following fees associated with this communication or credit any overpayment to Counsel's Deposit Account No. 50-2222. A duplicate copy is enclosed.
- Any filing fees required under 37 CFR 1.16.

Respectfully submitted,



Douglas H. Goldhush
Attorney for Applicant(s)
Registration No. 33,125

Atty. Docket No. 58268.09031

Customer Number 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

Enclosures: Amendment
Check No. _____



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**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2662**

AP ✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2004

Joseph HERBST

Art Unit: 2662

Technology Center 2600

Application No.: 09/599,526

Examiner: Joseph B. Logsdon

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Attorney Dkt. No.: 58268.09031

For: APPARATUS AND METHOD FOR STORING DATA

RESPONSE UNDER 37 CFR § 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 25, 2004

Sir:

In response to the Office Action dated June 25, 2004, please consider the remarks that follow.

Amendments to the claims are submitted beginning on page 2.

Remarks are submitted beginning on page 14.